

FINDING OF NO SIGNIFICANT IMPACT
For
NIXON ROAD DRAINAGE PROJECT
CAMERON COUNTY, TEXAS
FEMA-1780-DR-TX

BACKGROUND

In accordance with 44 Code of Federal Regulations (CFR) for the Federal Emergency Management Agency (FEMA), Subpart B - Agency Implementing Procedures, Section 10.9, an environmental assessment (EA) was prepared pursuant to Section 102 of the National Environmental Policy Act (NEPA) of 1969. The purpose of the proposed action is to improve the stormwater drainage system along Nixon Road which would reduce the likelihood of flooding in this area, and to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

The participation of FEMA in the proposed action is dictated by the Robert T. Stafford Disaster Relief and Emergency Assistance Act, PL 93-288, as amended, and implementing regulations at 44 CFR Part 206, Federal Disaster Assistance for Disasters Declared on or after November 23, 1988. These rules control the eligibility and funding for public assistance disaster relief. Any assistance FEMA can provide is determined and controlled by these regulations.

The proposed project is located along Nixon Road, east of U.S. Highway 77 in Combes, Cameron County, Texas. The proposed drainage improvements would be constructed along the east side of Nixon Road for approximately 3,600 feet north to the intersection with Templeton Road and along the south side of Templeton Road for approximately 7,050 feet east to connect with an existing drainage ditch.

As a direct result of Hurricane Dolly's heavy rainfall inundating the Town of Combes, severe flooding caused damages to several structures located in the community including the storm sewer system along Nixon Road. The Town of Combes has prepared and submitted an application for FEMA funding under FEMA's Public Assistance Program being administered in response to FEMA-1780-DR-TX. The proposed action is to improve the stormwater drainage system along Nixon Road. The project would begin approximately 1,720 feet north of the FM 508/Nixon Road intersection. A 30-36 inch reinforced concrete pipe would be constructed along the east side of Nixon Road for approximately 3,600 feet and turn east along the south side of Templeton Road for approximately 1,150 feet. There are four proposed inlets along Nixon Road. A 36 inch reinforced concrete pipe would connect to an existing 5,900 feet long drainage ditch which would be expanded to a top width of 40 feet and a depth of 5 feet with a 2:1 slope. A headwall would be constructed and concrete rip rap would be placed to connect the reinforced concrete pipe with the 40 feet wide drainage ditch. It would cross under Bouldin Road. This ditch would connect to an existing 35 feet wide drainage ditch via a proposed discharge structure. Construction of these facilities would consist of excavation, soil compaction, the placement of reinforced concrete pipe and inlets, the placement of concrete rip rap, construction of a headwall and a discharge structure.

A legal notice was posted in the *Valley Morning Star* on July 3, 2009, and on FEMA's website (<http://www.fema.gov/plan/ehp/envdocuments/ea-region6.shtm>). Additionally, the Draft Environmental Assessment was made available for review for a period of 30 days at the Combes Town Hall. No comments were received during this 30-day period.

FINDINGS

FEMA has made the following determinations from the information contained in the EA:

The proposed project as described in the EA will not result in any significant adverse impacts to existing land use, water resources (surface water, groundwater, waters of the United States, wetlands, and floodplains), air quality, noise, biological resources (vegetation, fish and wildlife, state and Federally-listed threatened or endangered species and critical habitats), safety, hazardous materials and waste, cultural resources, or result in disproportionately high or adverse effects on minority or low-income populations. The proposed action is also in compliance with all relevant Federal, state and local laws, including Executive Orders (EO) 11988 (Floodplain Management), EO 11990 (Protection of Wetlands), and EO 12898 (Environmental Justice).

CONDITIONS

The following conditions must be met as part of this project. Failure to comply with these conditions may jeopardize Federal funds:

The EA and this FONSI apply only to the project area that has been specifically described and evaluated in the EA. Any other areas beyond the project area that may be impacted due to changes in the project plan must be evaluated for compliance with NEPA and other applicable Federal, State and local environmental and historic preservation laws, regulations, and Executive Orders.

Because the project will disturb more than one acre, a Texas Pollutant Discharge Elimination System storm water permit will be required. This permit requires that a copy of the Storm Water Pollution Prevention Plan is kept on the construction site and that all sediment control measures identified in this plan are maintained.

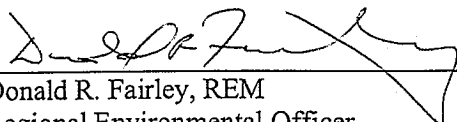
If hazardous constituents are unexpectedly encountered in the project area during the proposed construction operations, appropriate measures for the proper assessment, remediation and management of the contamination will be initiated in accordance with applicable Federal, state, and local regulations. The contractor will take appropriate measures to prevent, minimize, and control the spill of hazardous materials in the construction staging area and project work area.

No historic or cultural remains are likely to be encountered during the construction activity; however, in accordance with Section 106 of the National Historic Preservation Act, should unanticipated historic or cultural materials be encountered during construction, all construction activities will cease immediately until their cultural affiliation and ultimate disposition is determined in consultation between FEMA and the State Historic Preservation Officer.

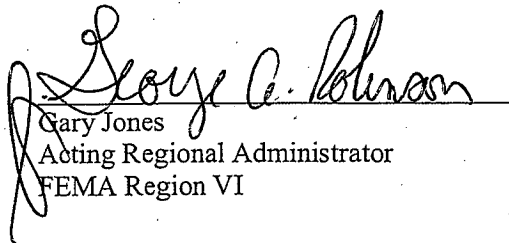
CONCLUSIONS

Based on the findings of the EA, coordination with the appropriate agencies, comments from the public, and adherence to the project conditions set forth in this FONSI, FEMA has determined that the proposed project qualifies as a major Federal action that will not significantly affect the quality of the natural and human environment, nor does it have the potential for significant cumulative effects. As a result of this FONSI, an EIS will not be prepared (44 CFR Part 10.9) and the proposed project as described in the attached EA may proceed.

APPROVAL


Donald R. Fairley, REM
Regional Environmental Officer
FEMA Region VI

Date 4 August 2009


Gary Jones
Acting Regional Administrator
FEMA Region VI

Date 8/5/09